Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed February 3, 2003. No fee is due for the addition of new claims. Claims 1-20 were pending in the Application. Claims 15 and 18 have been cancelled and claims 21-22 added, such that claims 1-14, 16-17, and 19-22 are now pending in the present application. Reconsideration of the rejections and consideration of the new claims is respectfully requested.

I. Rejection under 35 U.S.C. §112

Claims 1-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4, and 16 have been amended to clarify that which is intended to be recited in the respective claims. Claims 15 and 18 have been cancelled. The remaining claims are rejected merely as depending from claims 1 and 16. As claims 1, 4, and 16 are now definite, claims 1-14, 16-17, and 19-20 should now be definite. Applicants therefore respectfully request that the rejection with respect to these claims be withdrawn.

II. Rejection under 35 U.S.C. §102

Claims 1, 4-9, 13, and 15-19 are rejected under 35 U.S.C. §102 as being anticipated by *Caldwell*. Claims 15 and 18 have been cancelled. Claim 1 and claim 16 each recite a "phosphor film"and light generated in the phosphor film in a waveguide mode or waveguide direction. *Caldwell* does not disclose such limitations. Caldwell discloses a coating for hardening optical fibers (title) which comprises a clear material having "distributed therethrough suitable phosphorescent or luminescent material." The phosphor "will be excited to emit radiation" that "counteracts the effect of the radiation and partially restores the transmissibility of the core." The "light emitted by phosphor"is not "at an angle appropriate for propagation along the core." (Col. 4, lines 17-58).

Caldwell does not disclose a phosphor film. *Caldwell* does not disclose a phosphor film having a waveguide mode or waveguide direction, as the random phosphor particles distributed throughout the fiber coating of *Caldwell* to not exhibit a waveguide mode, and further do not generate light parallel to a waveguide direction as the light is not emitted an angle appropriate for propagation in *Caldwell*. As Caldwell does not disclose such limitations, Caldwell cannot anticipate claims 1 and 16. Claims 2-14, 17, and 19-20 depend from these claims and also should not be anticipated. Applicants therefore respectfully request that the rejection with respect to claims 1-14, 16-17, and 19-20 be withdrawn.

III. Rejection under 35 U.S.C. §103

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Thorgerson* or *Mori* or *Kaschke* in view of *Caldwell*.

a. Thorgerson and Caldwell

Thorgerson teaches a fiber optic coil lighting system. The coil does not generate light, but merely propagates light is focused into an end of the coil. Light "may only leave the lighting system through the top" of the coil. (Col. 3, line 42-Col. 4, line 28). *Thorgerson* does not teach or suggest a "waveguide with a phosphor film", "an exit region" at an end of the longitudinal dimension of the waveguide, or "an excitation source that directs excitation energy at the waveguide other than in the waveguide direction such that light is generated in the phosphor film in and/or parallel to the waveguide direction and exits through the exit region." As discussed above, *Caldwell* does not make up for these deficiencies. As such, claims 1-14, 16-17, and 19-20 cannot be rendered obvious by *Thorgerson* in view of *Caldwell*.

b. Mori and Caldwell.

Mori teaches an ornamental lighting device containing optical fibers, wherein the optical fibers accept light into an end of each fiber and, "while propagating through each of the optical fibers...the light is radiated from the peripheral wall of the optical fiber to illuminate the ambiance through the light transmitting panels"

(Col. 2, lines 15-34). *Mori* does not teach or suggest a "waveguide with a phosphor film", "an exit region" at an end of the longitudinal dimension of the waveguide, or "an excitation source that directs excitation energy at the waveguide other than in the waveguide direction such that light is generated in the phosphor film in and/or parallel to the waveguide direction and exits through the exit region." As discussed above, *Caldwell* does not make up for these deficiencies. As such, claims 1-14, 16-17, and 19-20 cannot be rendered obvious by *Mori* in view of *Caldwell*.

c. Kaschke and Caldwell.

Kaschke teaches an optical fiber light emitting apparatus that accepts light "into the first end...of the optical fiber" and has "a plurality of locations along the length thereof permitting...for transmission therein to be selectively emitted by the optical fiber at the plurality of locations...for producing substantially uniform illumination substantially throughout the predetermined area" along the fiber (Col. 2, line 60-Col. 3, line 24). *Mori* does not teach or suggest a "waveguide with a phosphor film", "an exit region" at an end of the longitudinal dimension of the waveguide, or "an excitation source that directs excitation energy at the waveguide other than in the waveguide direction such that light is generated in the phosphor film in and/or parallel to the waveguide direction and exits through the exit region." As discussed above, *Caldwell* does not make up for these deficiencies. As such, claims 1-14, 16-17, and 19-20 cannot be rendered obvious by *Kaschke* in view of *Caldwell*.

As none of these combinations teach or suggest the limitations of claims 1-14, 16-17, and 19-20, Applicants respectfully request that the rejection with respect to these claims be withdrawn.

IV. Newly Added Claims

Claims 21 and 22 were added to more clearly and particularly point out that which Applicants regard as the subject matter of the embodiment claimed therein. These claims are supported by the original

specification and do not add any new matter beyond the scope of the original disclosure. Applicants therefore respectfully request consideration of the newly added claims.

V. Amendments to the Claims

The amendments to the claims were made to more clearly and particularly point out that which Applicants regard as the subject matter of the embodiment claimed therein. As these claims were amended for purposes other than patentability, the scope of these claims and any equivalence thereof should not be affected by, and are not intended to be altered by, the present amendments.

VI. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: May 5, 2003

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